IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 6211 of 2007()

CRIME NO.60/07 OF KONNY EXCISE RANGE.

PETITIONER/ACCUSED

JANAMMA C.K.,AGED 60 YEARS,
REGHU VILASOM,ANGADICKAL VILLAGE,
ADOOR TALUK.

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6211 OF 2007

Dated this the 16th day of October, 2007

ORDER

Application for regular bail. The petitioner – a woman, faces allegations under the Kerala Abkari Act. She was allegedly found to be in possession of 1.5 litres of arrack on 25/9/07. As women officials were not available in the Excise party which detected the crime, she was not arrested. She apprehends arrest at any moment.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The petitioner is a 60 year old lady and sick also. In these circumstances, it is prayed that anticipatory bail may be granted to the petitioner.

3. The learned Public Prosecutor opposes the application. The petitioner may be directed to surrender before the Investigating Officer or the learned Magistrate and seek

regular bail in the ordinary course, submits the learned Public Prosecutor.

4. I find merit in the opposition by the learned Public Prosecutor. I am satisfied that there are no features in this case which would justify the invocation of the extraordinary equitable discretion under Sec.438 of the Cr.P.C. The petitioner must appear before the Investigating Officer or the learned Magistrate having jurisdiction and then seek regular bail in the ordinary course.

5. In the result, this bail application is dismissed; but with the observation that if the petitioner surrenders before the Investigating Officer or the learned Magistrate and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself.

(R. BASANT, JUDGE)

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